

1 PHILLIP A. TALBERT
United States Attorney
2 KEVIN C. KHASIGIAN
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
5 Attorneys for the United States

6
7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

2:23-cv-01328-TLN-JDP

12 Plaintiff,

FINDINGS AND
RECOMMENDATIONS

13 v.

14 APPROXIMATELY \$448,157.39 SEIZED
FROM BANK OF AMERICA ACCOUNT
15 NUMBER 325175831591,

16 Defendant.
17

18 This matter came before the Honorable Magistrate Judge Jeremy D. Peterson on the United
19 States' *ex parte* motion for default judgment. There was no appearance by or on behalf of any other
20 person or entity claiming an interest in the above-captioned defendant funds to oppose the United
21 States' motion. Based on the United States' motion and the files and records of the court, THE
22 COURT FINDS as follows:

- 23 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed July 6, 2023.
24 2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default
25 judgment of forfeiture against potential claimants Kiko's Creations and Banes General Contractors, Inc.
26 3. The United States has shown that a complaint for forfeiture was filed; that potential
27 claimants Kiko's Creations and Banes General Contractors, Inc. received notice of the forfeiture action;
28

1 that any and all other unknown potential claimants have been served by publication; and that grounds
2 exist for entry of a final judgment of forfeiture.

3 Therefore, IT IS RECOMMENDED as follows:

- 4 1. That Kiko's Creations and Banes General Contractors, Inc. be held in default;
- 5 2. That the United States' motion for default judgment and final judgment of forfeiture be
6 granted;
- 7 3. That judgment by default be entered against any right, title, or interest of potential
8 claimants Kiko's Creations and Banes General Contractors, Inc. in the defendant funds referenced in
9 the above caption;
- 10 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant
11 funds to the United States, to be disposed of according to law;
- 12 5. That the Default Judgment and Final Judgment of Forfeiture lodged herein be signed by
13 the Honorable Troy L. Nunley and filed by the Clerk of Court.

14 These findings and recommendations are submitted to the United States District Judge assigned
15 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served
16 with these findings and recommendations, any party may file written objections with the court and
17 serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's
18 Findings and Recommendations." Any response to the objections shall be served and filed within
19 fourteen days after service of the objections. The parties are advised that failure to file objections
20 within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*,
21 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

22 IT IS SO ORDERED.
23

24 Dated: February 16, 2024
25


26 JEREMY D. PETERSON
27 UNITED STATES MAGISTRATE JUDGE
28